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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/09/2006

Camille Dupuy

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2008

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EXAMINER

BADR, HAMID R

ART UNIT

PAPER NUMBER

1781

NOTIFICATION DATE

DELIVERY MODE

05/06/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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***Advisory Action***

Applicants' amendment/remark after final rejection filed 4/22/2011 is acknowledged.

The amendment/remark is entered for appeal purposes.

***Response to Arguments***

Applicants' arguments have been considered. These arguments are not deemed persuasive for the following reason:

1. Applicants argue that R1 states that flour is not "mandatory" in the flavor composition.
  - a. Firstly, the product of R1 is a sourdough. R1 specifically discloses that the yeast and lactic bacteria in the flour will contribute to the flavor of the composition.
  - b. Secondly, R1 discloses the type of flours which can be used in the composition. Therefore, the phrase 'in not mandatory' does not exclude the flours from the teachings of R1.
2. Applicants argue that R1 discloses a flavorant which is not based on acid fermented flour, but on fermented dairy in which flour can be added.
  - a. Since R1 discloses the activity of yeasts and lactic acid bacteria in the composition affecting the flavor, the flour itself is being fermented, and as a result the dough is acid fermented dough.

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3. Applicants argue that R2 adds egg white hydrolyzate, and yeast extract to wheat flour. This process aims at reducing the period of time for the preparation of bread and at improving the quality of bread.

a. The yeast extract added to the flour in R2 imposes its flavor modifying characteristics. Aiding to reduce the period of time for the preparation of bread is another advantage of adding yeast extract.

4. Applicants argue that sourdough and related breads are absent from the list of R2.

a. The rejection is based on two references. The first reference (R1) addresses the flavor modifying compositions of acid fermented doughs for bread product. R2 discloses the flavor modifying effects of yeast extract. Therefore, the advantage being gained by the combination of these agents would be obvious.

5. Applicants argue that if the yeast extract is added in liquid form to the dry acid fermented flour of R1, the result is a flavoring agent in solution, not a dry flavoring agent.

a. The powdered yeast extract is available and customarily used in the art. Mixing this powdered yeast extract with dry acid fermented dough to produce a dry product is within the skill of the art.

6. Applicants argue that they discovered that yeast extract imparts salty taste and thus it can be used to reduce the salt in the bread formulations.

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a. The Examiner does not agree that this concept was developed by the Applicants. The concept was known in the art at the time the invention was made.

Please refer to the reference provided in the pending Final Office action.

7. The difference in the salt concentration of the presently claimed invention with that of R2 was addressed in the pending final Office action.

8. Applicants argue that R2 teaches of other varieties of baker's yeast.

a. The yeasts listed by R2 belong to *Saccharomyces* genus. Among the yeasts disclosed by R2 is "bear yeast". This is equivalent to the brewer's yeast of claim 37.

The rejection of claims 28-44, 46, and 48-54 under 35 U.S.C. 103(a) is maintained. No claims are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMID R. BADR whose telephone number is (571)270-3455. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/  
Supervisory Patent Examiner, Art Unit 1781

Hamid R Badr  
Examiner  
Art Unit 1781